

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

TIMOTHY BOZUNG, individually and on
behalf of all others similarly situated,)
Plaintiff,)
v.) Hon. Hala Y. Jarbou
CHRISTIANBOOK, LLC f/k/a CHRISTIAN) Case No. 22-cv-00304-HYJ-RSK
BOOK DISTRIBUTORS CATALOG, LLC,)
Defendant.)

JOINT MOTION FOR TEMPORARY STAY

The Parties, through undersigned counsel, hereby jointly move the Court to enter a temporary stay of these proceedings through October 3, 2023 in the form of the Proposed Order attached hereto as Exhibit A. In support of their Joint Motion, the Parties state as follows:

1. On March 6, 2023 this Court granted Defendant's Motion to Dismiss (ECF Nos. 51-52).
 2. On March 14, 2023, Plaintiff filed a Motion to Alter the Judgement (ECF No. 58).
 3. On July 14, 2023, this Court granted the Motion to Alter the Judgement (ECF Nos. 84-85).
 4. Plaintiff subsequently filed his Second Amended Complaint on July 27, 2023 (ECF No. 87) and litigation of this dispute restarted.
 5. Defendant's response to the SAC is due on August 24, 2023 (ECF No. 89).

6. In light of the case being reopened, the Parties have reengaged in settlement discussions and are scheduled to mediate their dispute on September 26, 2023 with the Honorable Frank Mass of JAMS, formerly a Magistrate Judge for the Southern District of New York.

7. To allow time for the Parties to prepare and focus on the upcoming mediation, the Parties respectfully request that this case be stayed until October 3, 2023. The Parties further propose that they will submit to the Court a Joint Status Report by October 3, 2023, setting forth their respective positions regarding what proceedings may be necessary thereafter in this case.

8. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and litigants.” *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936) (citations omitted). “The decision whether to issue a stay rests within the sound discretion of the district court.” *Magna Donnelly Corp. v. Pilkington N.A., Inc.*, 2007 WL 772891, *2 (W.D. Mich. March 12, 2007).

9. The Parties submit that while this case was originally initiated on March 31, 2022 (ECF No. 1), it is still very early in the proceedings relative to the case being reopened and the filing of the SAC. See *supra* ¶¶ 3-4. The Parties further submit that a temporary stay of these proceedings through the date of mediation will increase the likelihood of an efficient resolution of this matter.

WHEREFORE, the Parties jointly request that the Court order a temporary stay of this matter for all purposes through October 3, 2023, as set forth in the Proposed Order attached hereto as Exhibit A.

SIGNATURES FOLLOW ON THE NEXT PAGE

Date: August 17, 2023

/s/ Jennifer L. Chunias

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CERTIFICATE OF SERVICE

I hereby certify that, on August 17, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which caused it to be served on all counsel of record.

/s/ Jennifer L. Chunias
Jennifer L. Chunias